



Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, October 24, 2022 – 5:30 pm

www.truro-ma.gov

TOWN OF TRURO
OCT 19 2022
3:17 AM
RECEIVED
TOWN CLERK

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-877-309-2073](tel:1-877-309-2073) and entering the access code [664-685-373#](tel:664-685-373#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: <https://meet.goto.com/664685373>

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

Public Hearings – Continued

2022-016/ZBA (SP) – Mark Kinnane, Cape Associates Inc. for property located at 9 Bay View Road (Atlas Map 39, Parcel 21, Registry of Deeds title references: Book 32595, Page 147). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7/§30.8 of the Truro Zoning Bylaw to demolish and reconstruct three cottages on new foundations in the Residential District.

- ◆ Request to Withdraw Without Prejudice

2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District. [**Original Material in 9/26/2022 packet**] {**New material included in this packet**}

- ◆ Request to Continue to November 21, 2022



Board Action/Review

- ◆ Review and Approve 2023 Hearing/Meeting Schedule

Discussion of Potential Bylaw Amendments

Minutes

- ◆ None

Next Meeting

- ◆ Monday, November 21, 2022 at 5:30 p.m.

Adjourn

MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Town Planner/Land Use Counsel
Date: October 20, 2022
Re: October 24, 2022 meeting

2022-016/ZBA - Mark Kinnane, Cape Associates Inc. for property located at 9 Bay View Road, seeking a special permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw to demolish three cottages and construct three new dwellings.

Update: The Applicant has submitted a request that he be allowed to withdraw the application without prejudice. The Board may grant this request by motion.

2022-017/ZBA - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road, seeking a variance under G.L. c. 40A, s. 10 and s. 40.3.B.2 and 30.9.C of the Zoning Bylaw for a reduction in number of parking spaces from 12 to 9; and a special permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw for relocation of two nonconforming structures on lot in Beach Point.

Update: Counsel for the Applicant has submitted a request for a continuance to allow time for the Applicant to apply to the Planning Board for Site Plan Approval. I recommended to the Applicant, and recommend to the Board that the hearing be continued to the Board's November meeting. (Although the Applicant may need additional time and an additional continuance, it is easier to keep track of an application's status if continued month to month rather than for longer periods). The Board may grant this request by motion.

Discussion of Potential Bylaw Amendments

With the permission of the Chair and Vice Chair, I am seeking the Board's input on potential amendments to the Zoning Bylaw – not housing-related; many people are working on that – but instead more having to do with the Board's own operations. I would work on these for Town Meeting approval only if the Board believes beneficial.

Here are two ideas:

1. Amend Bylaw to extend the time special permits are valid from **the current one year to two years or three years**. This is allowed under G.L. c. 40A, and has been adopted by a number of towns (e.g., Provincetown, 3 years; Wellfleet, 2 years; Eastham, 3 years; Orleans, 2 years). As Board members may be aware, due to labor shortage, supply chain, and other factors, it is sometimes not possible to commence a project within a year. This change would remove the need for builders to seek an extension of a special permit from the Board or Building Commissioner.

2. Add criteria for special permits. Currently, the Bylaw language is very general (s. 30.8, “in harmony with the general public good and intent of this Bylaw”). Many zoning bylaws/ordinances have special permit criteria addressing specific elements/impacts that a board considers (where applicable) in granting a special permit for a use or project.

Circulated with this memo are a number of samples for the Board to get a sense of what is possible

Truro Zoning Board of Appeals

2023 Hearing/Meeting Schedule

HEARING/MEETING (Monday at 5:30 pm)	FILING DEADLINE (FRIDAY at Noon) (Unless otherwise noted*)
January 23	December 23, 2022*
February 27	January 27
March 27	February 24
April 24	March 24
May 22	April 21
June 26	May 26
July 24	June 23
August 21	July 21
September 25	August 25
October 23	September 22
November 20	October 20
December 18	November 17

MEETING DATES AND TIMES ARE SUBJECT TO CHANGE

Please check the Town Website www.truro-ma.gov for any changes in the schedule

Elizabeth Sturdy

From: Mark Kinnane <mkinnane@capeassociates.com>
Sent: Friday, September 30, 2022 3:14 PM
To: Elizabeth Sturdy
Cc: Barbara Carboni
Subject: RE: Zoning

Hi Liz

I am requesting to withdraw without prejudice application 2022-016/ZBA - Mark Kinnane, Cape Associates Inc. for property located at 9 Bay View Road, seeking a special permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw to demolish three cottages and construct three new dwellings.

Thanks Mark



Mark P. Kinnane
Executive Vice President
345 Massasoit Road | Eastham
P: [508.255.1770](tel:508.255.1770) | C: 508-237-0585
mkinnane@capeassociates.com
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Elizabeth Sturdy

From: office@snowandsnowlaw.com
Sent: Friday, October 14, 2022 11:39 AM
To: Elizabeth Sturdy
Cc: Barbara Carboni; office@snowandsnowlaw.com; smcswee1@twcny.rr.com; 'Billy Rogers'; 'Benjamin Zehnder'
Subject: ZBA 2022-17 - Ebb Tide on the Bay Condominium

Liz:

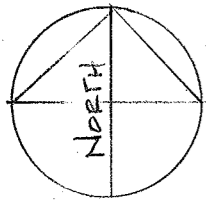
Per my telephone conversation with Truro Town Planner/Land Use Counsel Barbara Carboni, please treat this as our request for a continuance of the above referenced zoning application to the **November 21, 2022** meeting of the Truro Zoning Board of Appeals to allow time for the preparation and filing of site plan review materials with the Planning Board.

Chris

Christopher J. Snow, Esq.
Snow and Snow
P.O. Box 291
90 Harry Kemp Way
Provincetown, MA 02657
508-487-1160
office@snowandsnowlaw.com
www.snowandsnowlaw.com

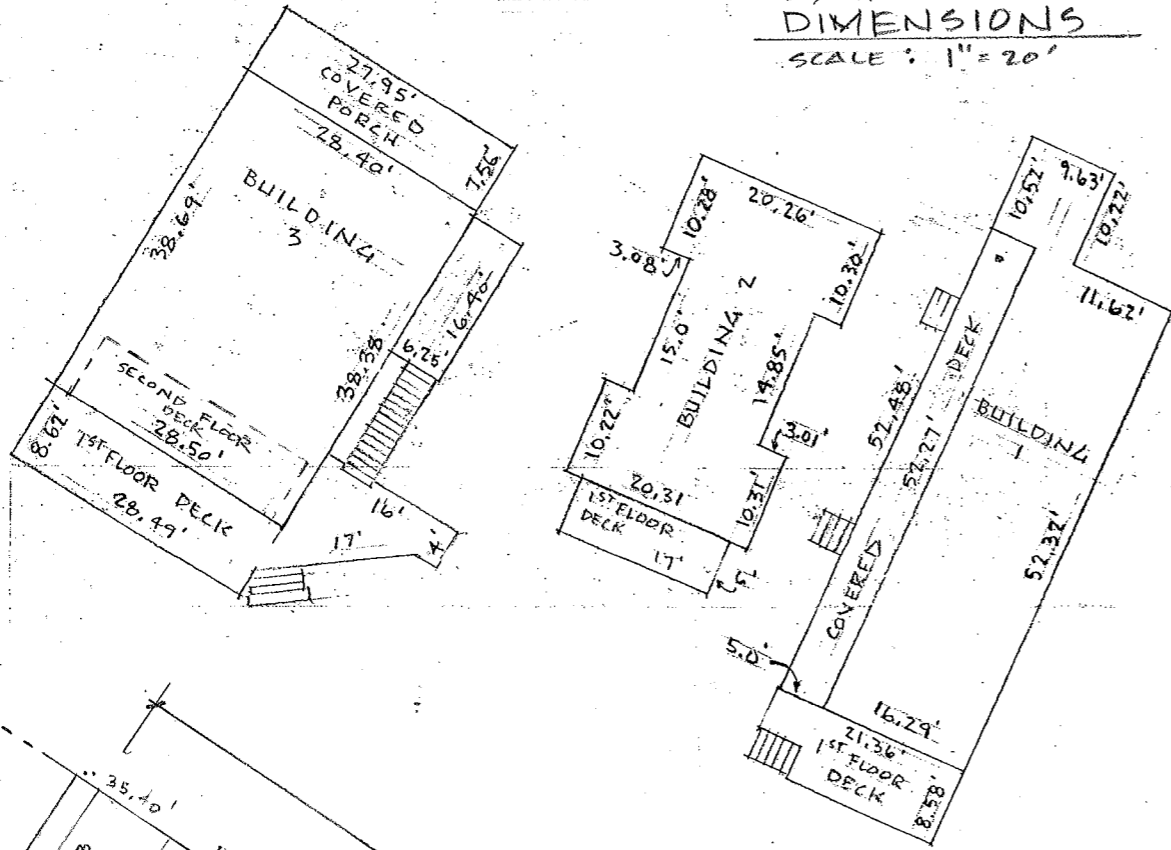
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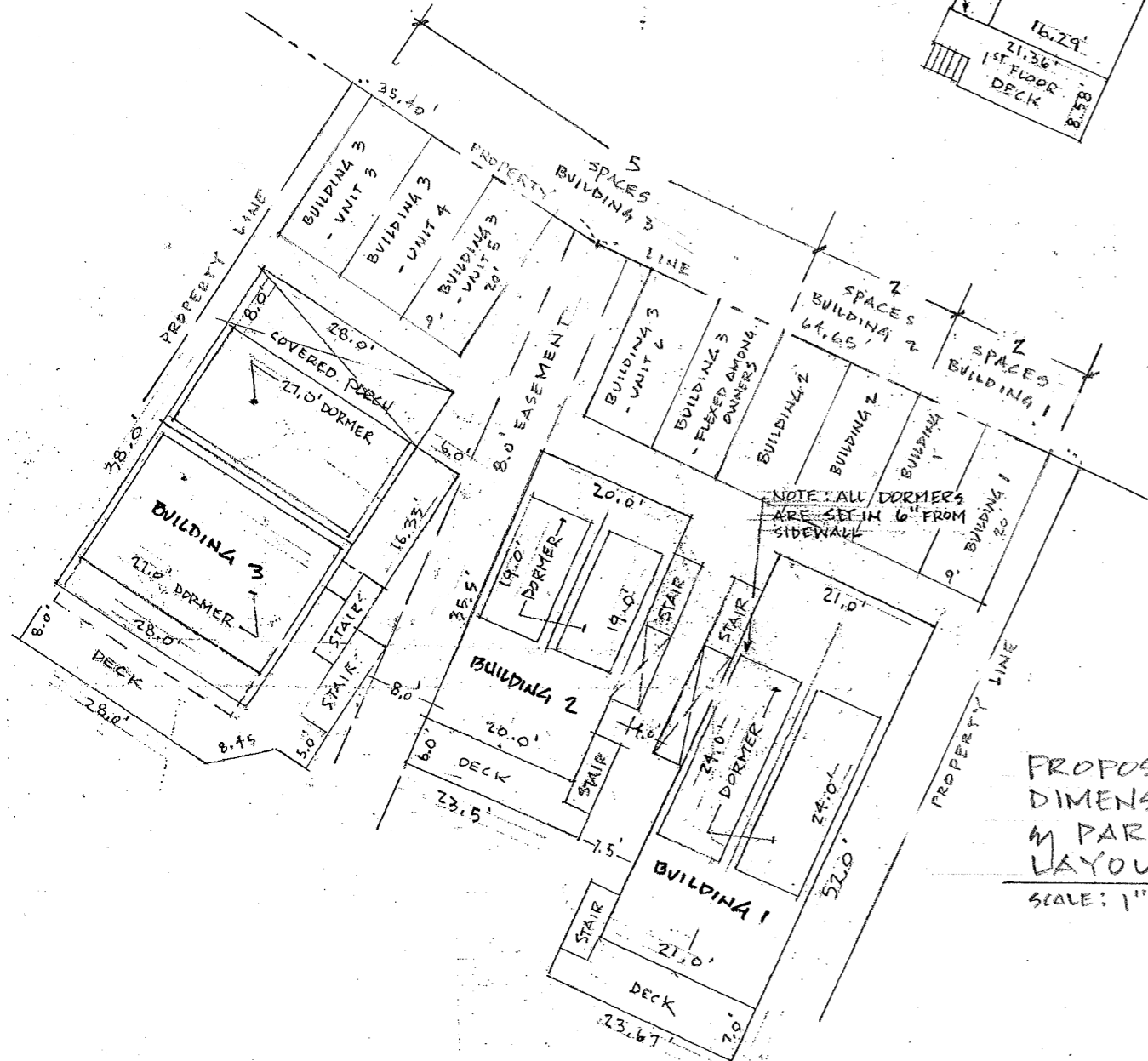
EXISTING DIMENSIONS

SCALE: 1" = 20'



PROPOSED DIMENSIONS IN PARKING LAYOUT

SCALE: 1" = 20'-0"



538 Shore Road Information Table

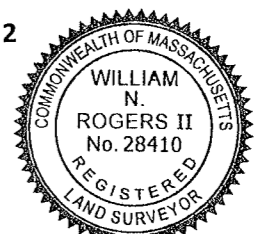
Building #1	Existing	Proposed
• Stories:	1	1.5
• Building (Sq.Ft.):	952	1092
Deck/s:	184	213
Covered Porch:	261	-
• Gross Floor Area* (Sq.Ft.):	883	1020 - 1 st Floor 661 - 2 nd Floor
		Total = 1681
*Per Section 10(4)-Definitions, Truro ZBA Bylaws		
• Average Grade*:	El. 9.72'	El. 10.49'*
*Datum = 1988 NAVD		*At Proposed Location
• Peak Height:	El. 26.48'	El. 40.34'
• First Floor:	El. 12.92'	El. 19.17'
• Height (Above Avg. Grade):	16.76' (16'-9")	29.0' (29'-0")*
		*Building = 21.17' (21'-2") *Pile Foundation = 7.83' (7'-10")
• Sideyard Setback* (East)		
At NE Corner:	7.16' (7'-2")	8.0' (8'-0")
At SE Corner:	7.82' (7'-10")	8.0' (8'-0")
*5Ft. Per Story - 7.5 Ft. Req'd.		
• Frontyard Setback (25 Ft. Req'd.):	22.24' (22'-3")	25 Ft.
• Distance From 2019 Mean High Water		
Building:	41'+/-	50'+/-
Deck:	33'+/-	43'+/-
• Number of Bedrooms:	3	3
• Number of Parking Spaces	2	2

EBBIDE ON THE BAY
CONDOMINIUM
110.538 SHORE ROAD
NORTH TRURO, MA.
1005: ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wvrogers2@verizon.net

Project Summary - Existing & Proposed

SCALE: AS NOTED
DATE: 09-23-2022
DRAWN: AL
JOB NO: T-19-0773D
REVISION: 09-28-2022
INFORMATION TABLES FORMAT



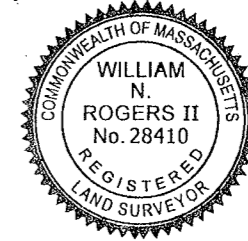
SK.1
SHEET 1 OF 2 SHEETS

538 Shore Road Information Table

Building #2	Existing	Proposed
• Stories:	1	1.5
• Building (Sq.Ft.):	628	710
Deck/s:	102	167
Covered Porch:	-	-
• Gross Floor Area* (Sq.Ft.):	578	656 - 1 st Floor 392 - 2 nd Floor
*Per Section 10(4)-Definitions, Truro ZBA Bylaws		Total = 1048
• Average Grade*:	El. 10.39'	El. 10.88'*
*Datum = 1988 NAVD		*At Proposed Location
• Peak Height :	El. 23.39'	El. 39.88'
• First Floor:	El. 12.79'	El. 19.17'
• Height (Above Avg. Grade):	13.0' (13'-0")	29.0' (29'-0")*
		*Building = 20.71' (20'-8 1/2")
		*Pile Foundation = 8.29' (8'-3 1/2")
• Sideyard Setback:	N/A	N/A
• Frontyard Setback (25 Ft. Req'd.):	37.6' (37'-7")	25 Ft.
• Distance From 2019 Mean High Water:		
Building :	54'+/-	67'+/-
Deck:	48'+/-	60'+/-
• Number of Bedrooms:	2	2
• Number of Parking Spaces	2	2

538 Shore Road Information Table

Building #3	Existing	Proposed
• Stories:	2	2
• Building (Sq.Ft.):	1200	1102
Deck/s:	651	586
Covered Porch:	211	224
• Gross Floor Area* (Sq.Ft.):	1139 - 1 st Floor	1091 - 1 st Floor
*Per Section 10(4)-Definitions	877 - 2 nd Floor	826 - 2 nd Floor
Total = 2016		Total = 1917
• Average Grade*:	El. 8.86'	El. 10.49'*
*Datum = 1988 NAVD		*At Proposed Location
• Peak Height :	El. 33.09'	El. 40.45'
• First Floor:	El. 10.6'	El. 19.17'
• Height (Above Avg. Grade):	24.23' (24'-3")	29.95' (29'-11")*
		*Building = 21.28' (21'-3")
		*Pile Foundation = 8.67' (8'-8")
• Sideyard Setback* (East)		
At NW Corner:	1.91' (1'-11")	3.3' (3'-4")
At SW Corner:	2.37' (2'-3")	3.3' (3'-4")
*5Ft. Per Story - 10 Ft. Req'd.		
• Frontyard Setback (25 Ft. Req'd.):	40.06' (40'-1")	25 Ft.
• Distance From 2019 Mean High Water		
Building :	39'+/-	60'+/-
Deck:	30'+/-	51'+/-
• Number of Bedrooms:	Unit 3 = 2	2
	Unit 4 = 1	1
	Unit 5 = 2	2
	Unit 6 = 1	1
		6 Total
• Number of Parking Spaces	8	5 - 1 Space per Unit + 1 Flexed between Units



EBBIDE ON THE BAY
CONDOMINIUM
NO. 538 SHORE ROAD
NORTH TRURO, MA.
LOCUS: ASSESSOR'S MAP 7, PARCEL 1

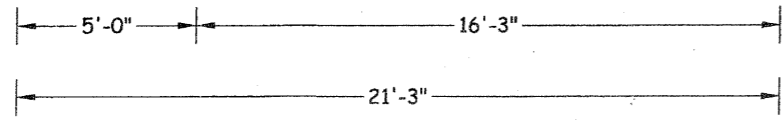
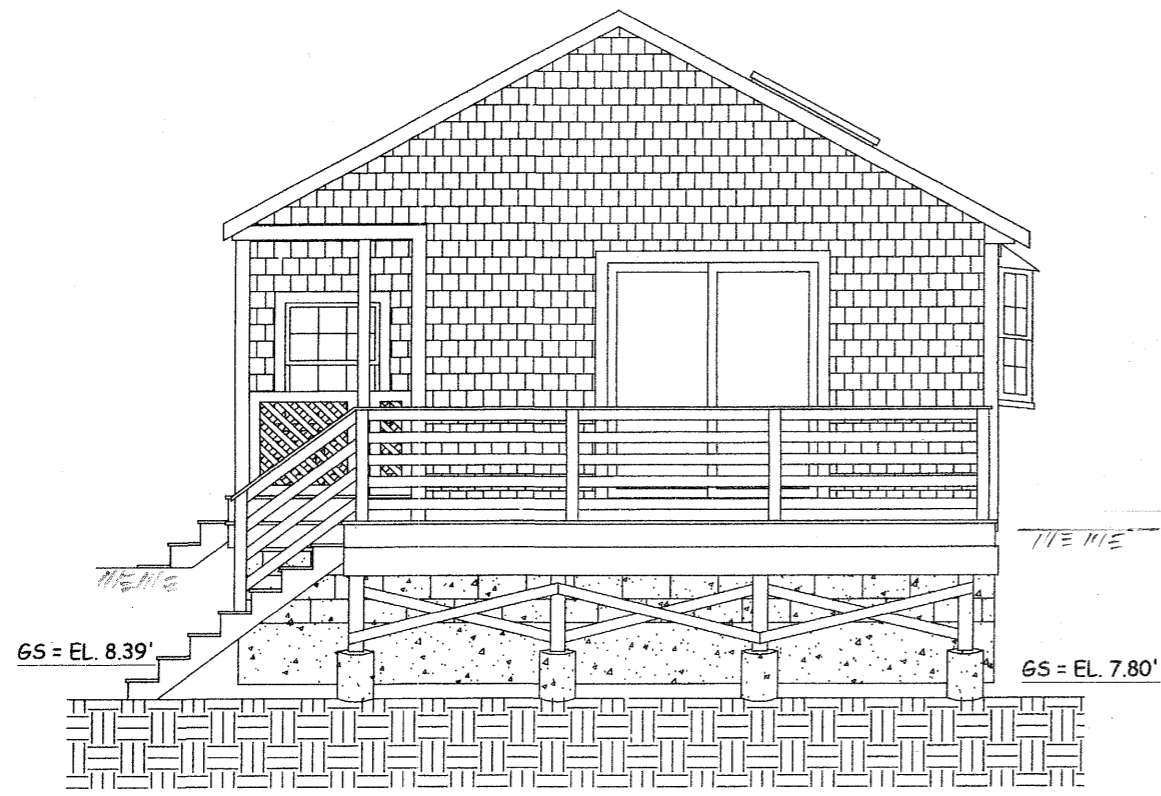
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Project
Summary -
Existing &
Proposed

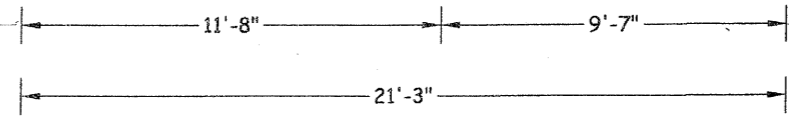
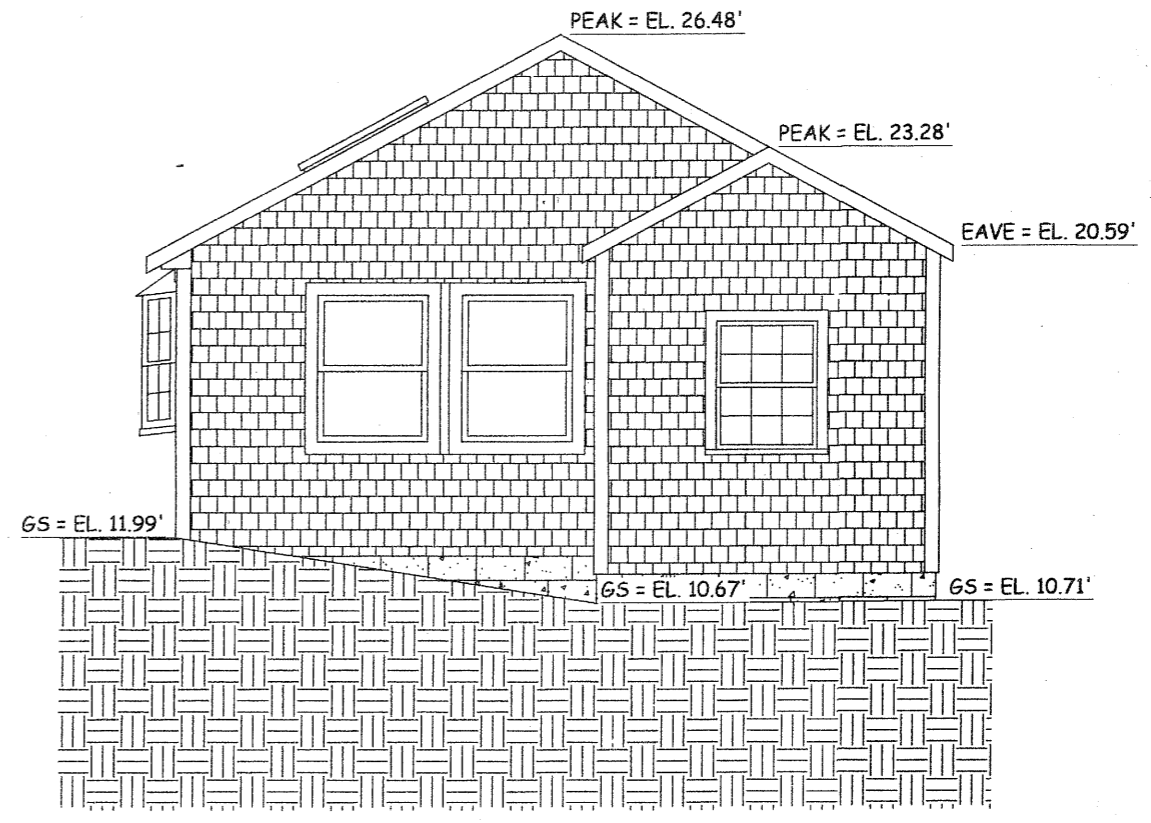
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DATE: 09-18-2011
DRAWN: AL
JOB NO. T-19-0773D
REVISION:

SK.2

SHEET 2 OF 2



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION (FRONT)
SCALE: 3/16" = 1'-0"
DATUM = 1988 NAVD
AVERAGE GRADE = EL. 9.72'

EBBIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
LOCALS: ASSESSOR'S MAP 7, PARCEL 7

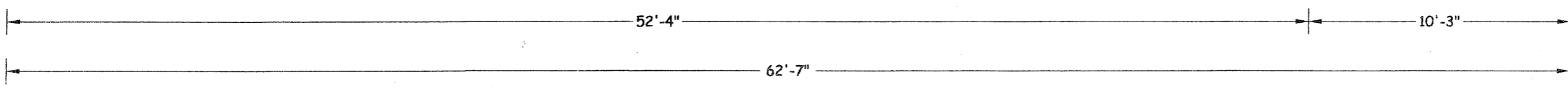
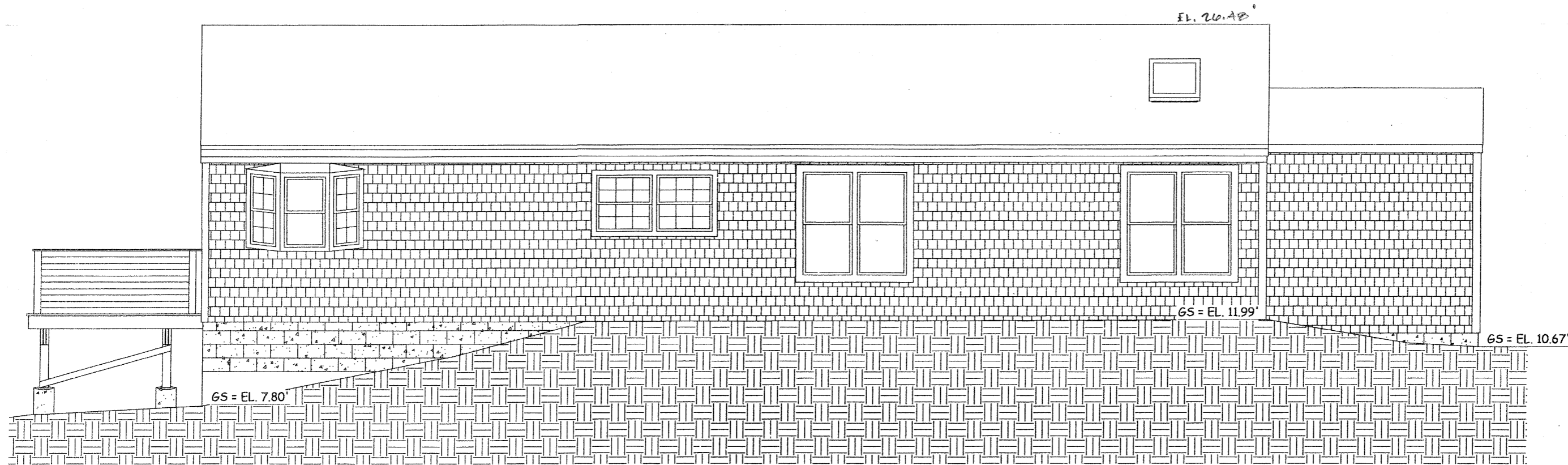
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41 Off Cemetery Road
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Email: wnr Rogers2@verizon.net

EXISTING
ELEVATIONS
NORTH
SOUTH



SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO: T-22-0773D
REVISION:

1-E.1



EAST ELEVATION

SCALE: 3/16" = 1'-0"

EBBTIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
LOCALS: ASSESSOR'S MAP 7, PARCEL 7

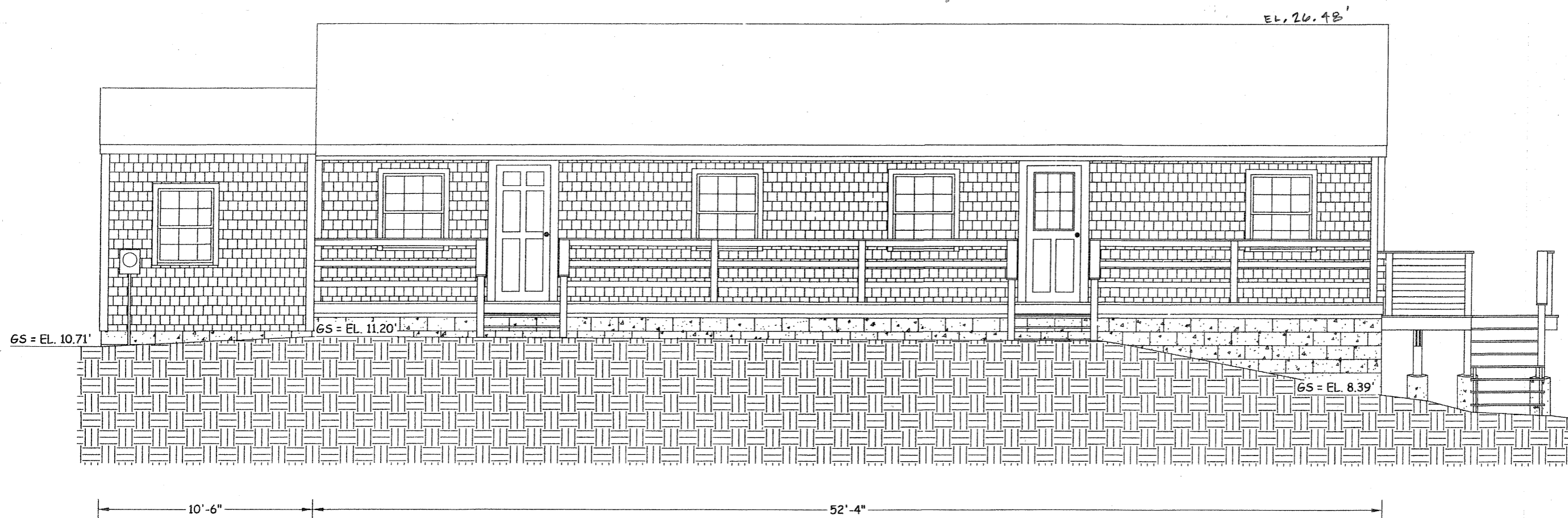
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Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
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Email: wnr Rogers2@verizon.net

EXISTING
EAST
ELEVATION



SCALE: 3/16" = 1'-0"
DATE: 09-17-2022
DRAWN: AL
JOB NO. T-22-0773D
REVISION:

1-E.2



WEST ELEVATION

SCALE: 3/16" = 1'-0"

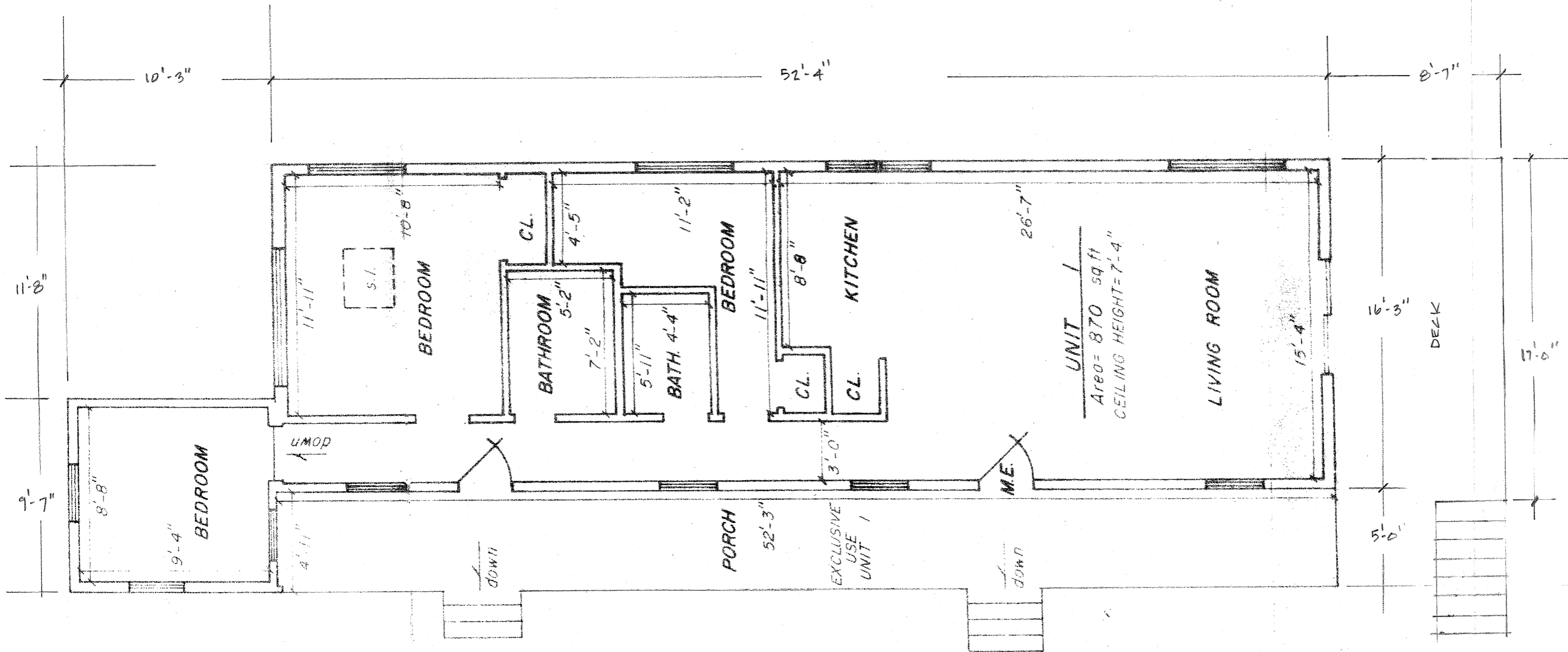
EBBIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
LOCALS: ASSESSOR'S MAP 7, PARCEL 7

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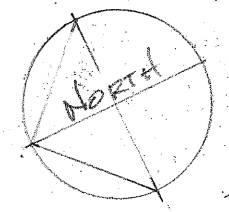
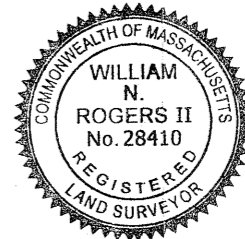
EXISTING
WEST
ELEVATION

SCALE: 3/16" = 1'-0"
DATE: 09-29-2022
DRAWN: AL
JOB NO: T-22-0773D
REVISION:

1-E.3



FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"



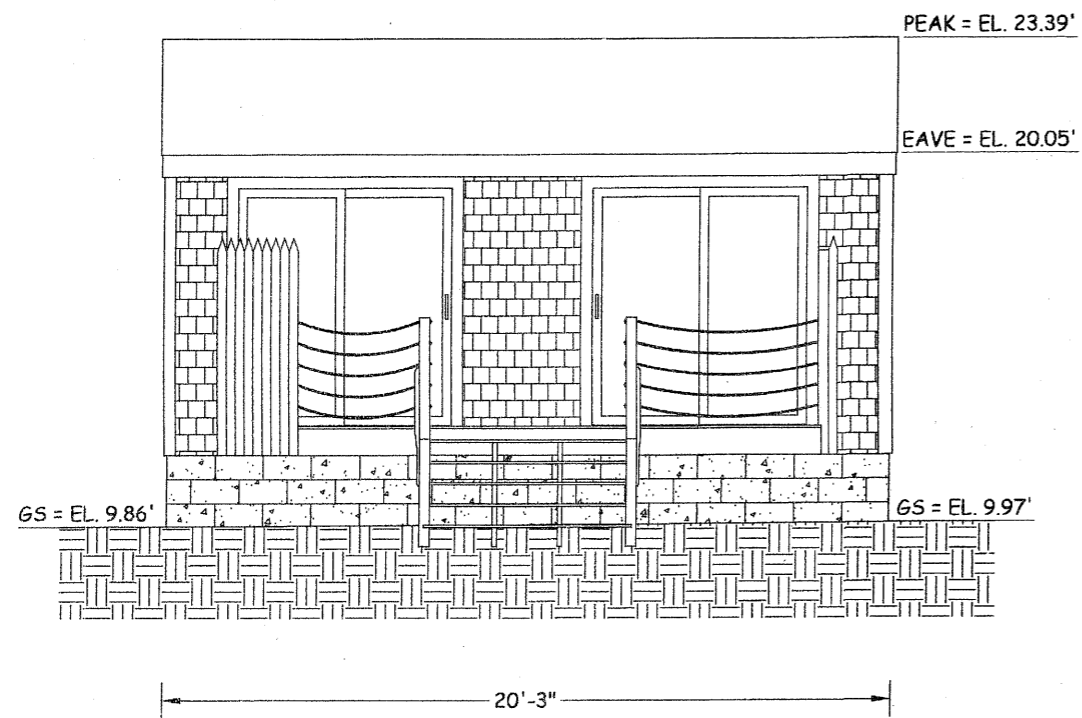
EBBLIDE ON THE BAY
CONDOMINIUM
NO. 538 SHORE ROAD
NORTH TRURO, MA.
BUILDING # 1
LOCALS: ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II
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Building and Structural Design
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Provincetown MA 02657
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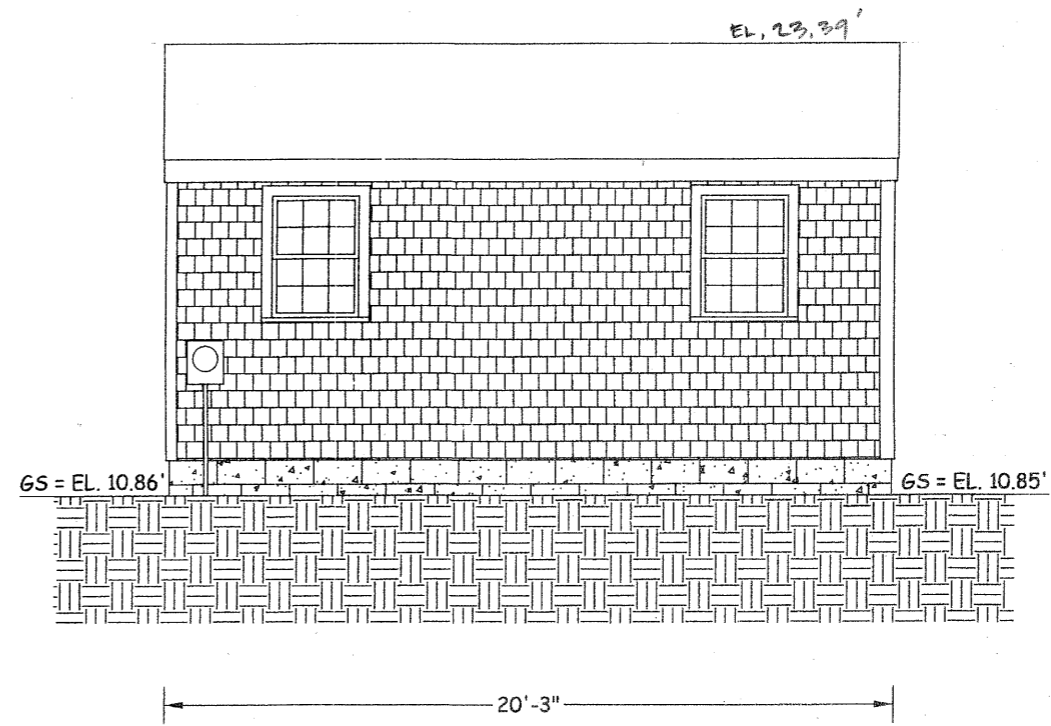
EXISTING
1ST FLOOR
PLAN

SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO. T-22-073D
REVISION:

1-E.4



SOUTH ELEVATION



NORTH ELEVATION (FRONT)

SCALE: 3/16" = 1'-0"

DATUM = 1988 NAVD

AVERAGE GRADE = EL. 10.39'

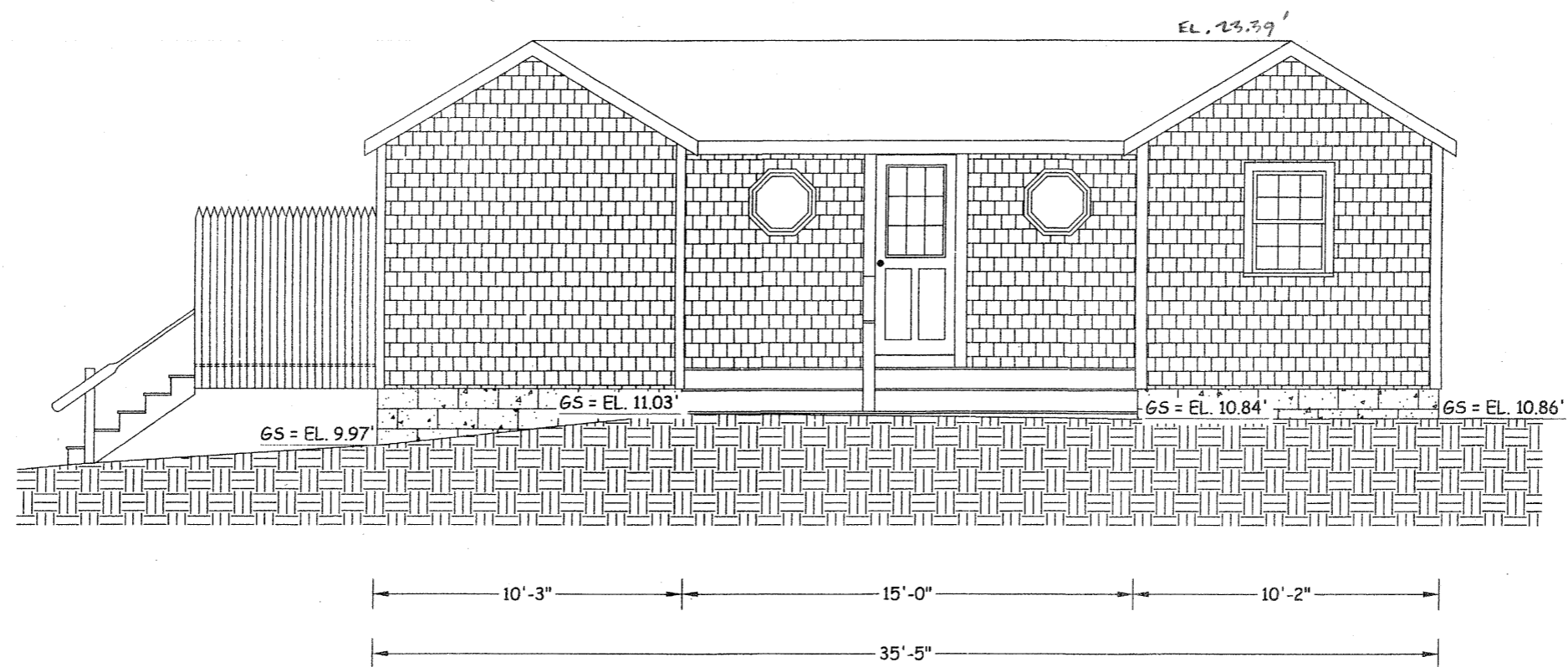
EBBIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
BUILDING # 1
LOCUS: ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnr Rogers2@verizon.net

EXISTING
ELEVATIONS
NORTH &
SOUTH

SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO: T-22-0773D
REVISION:

2-E.1



EAST ELEVATION

SCALE: 3/16" = 1'-0"

EBBtide ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
BUILDING #2
LOCALS: ASSESSOR'S MAP 7, PARCEL 7

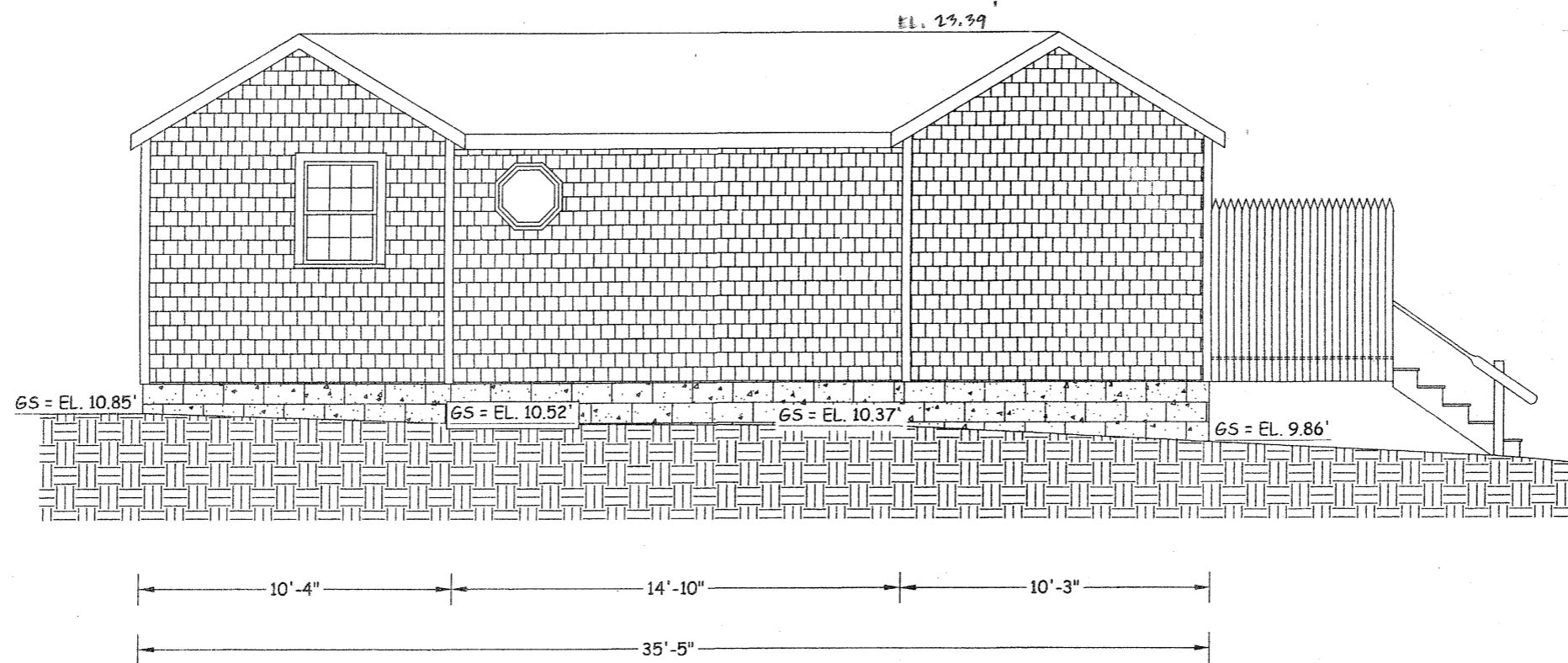
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EXISTING
EAST
ELEVATION



SCALE: 3/16" = 1'-0"
DATE: 09-29-2022
DRAWN: AL
JOB NO: T-22-0773D
REVISION:

2-E.2



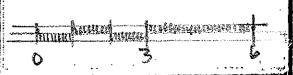
WEST ELEVATION

SCALE: 3/16" = 1'-0"

EBBIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
LOCALS: ASSESSORS MAP 7, PARCEL 7

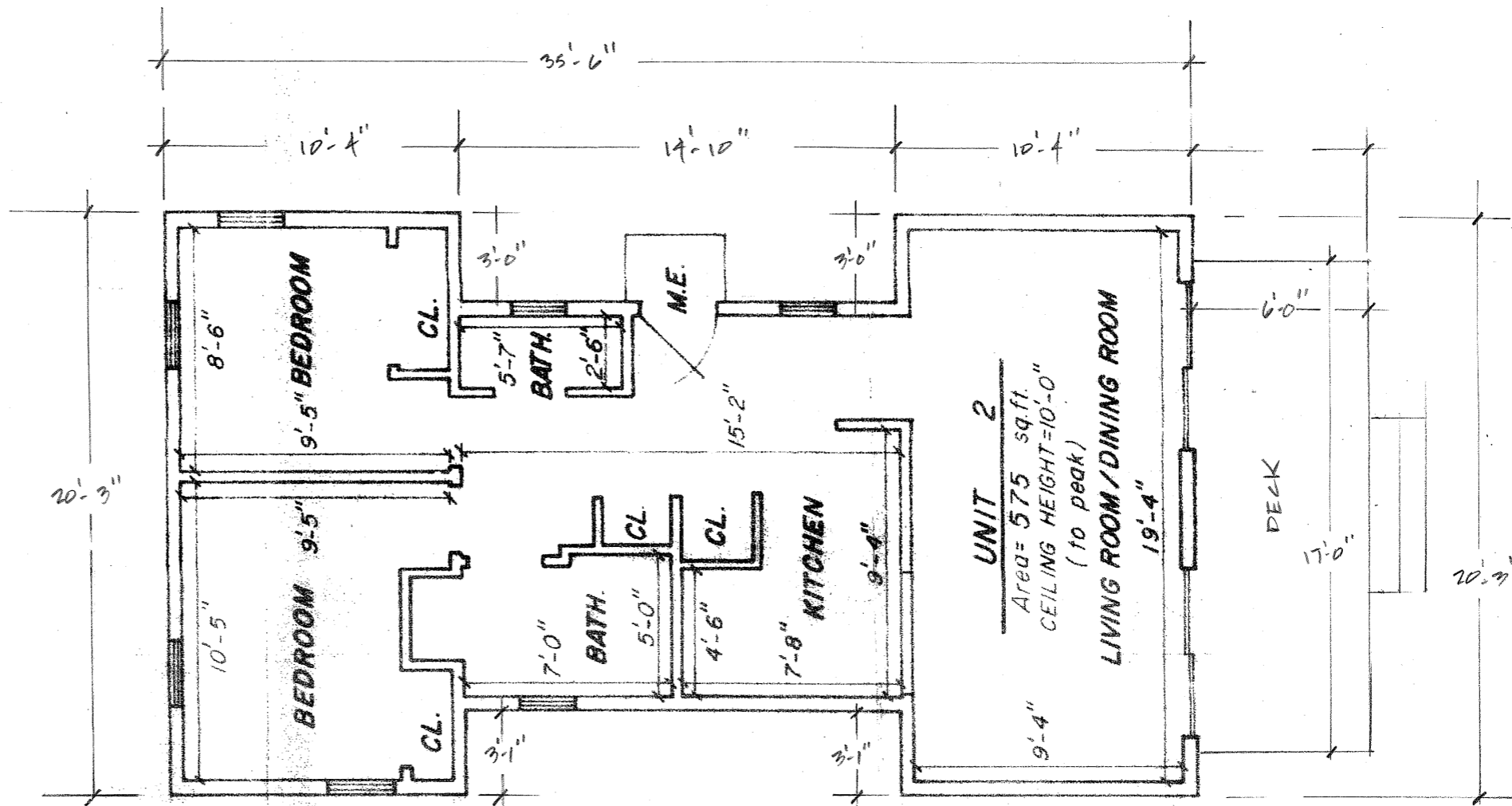
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EXISTING
WEST
ELEVATION

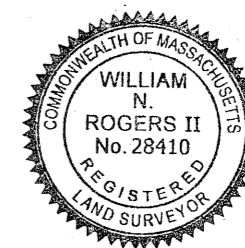


SCALE: 3/16" = 1'-0"
DATE: 09-29-2022
DRAWN: AL
JOB NO: T-11-0773D
REVISION:

2-E.3



FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"

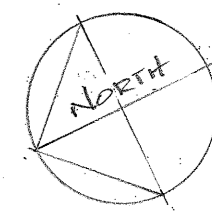


SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO. T-22-0773D
REVISION:

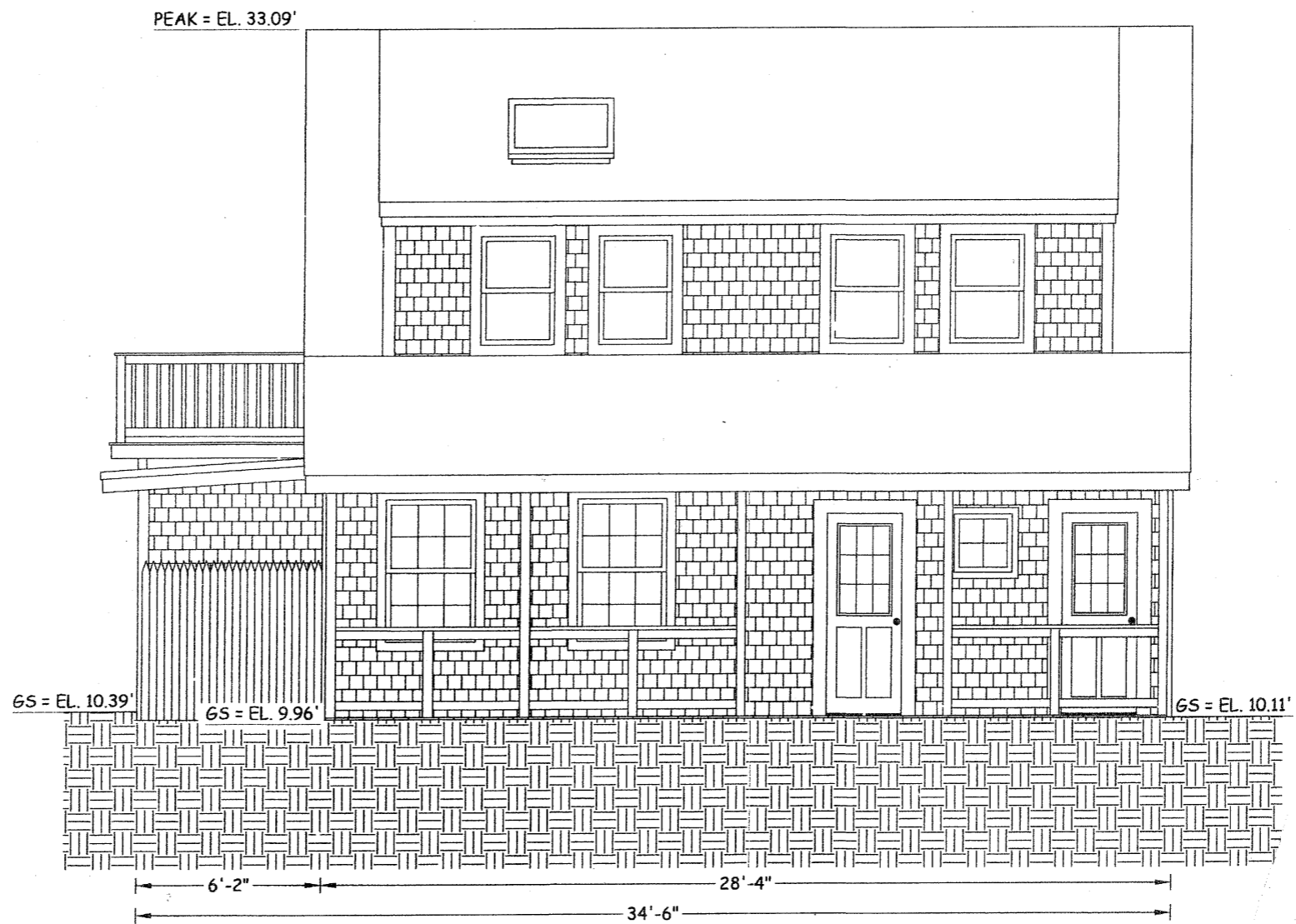
EXISTING
1ST FLOOR
PLAN

William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnr Rogers2@verizon.net

EBBIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
BUILDING # 2
TOWNS: ASSESSORS MAP 7, PARCEL 7



Z-E.4



NORTH ELEVATION (FRONT)

SCALE: 3/16" = 1'-0"
 DATUM = 1988 NAVD
 AVERAGE GRADE = EL. 9.86'

EBBIDE ON THE BAY
 CONDOMINIUM
 NO. 53B SHORE ROAD
 NORTH TRURO, MA.
 BUILDING #3
 LOCUS: ASSESSOR'S MAP 7, PARCEL 7

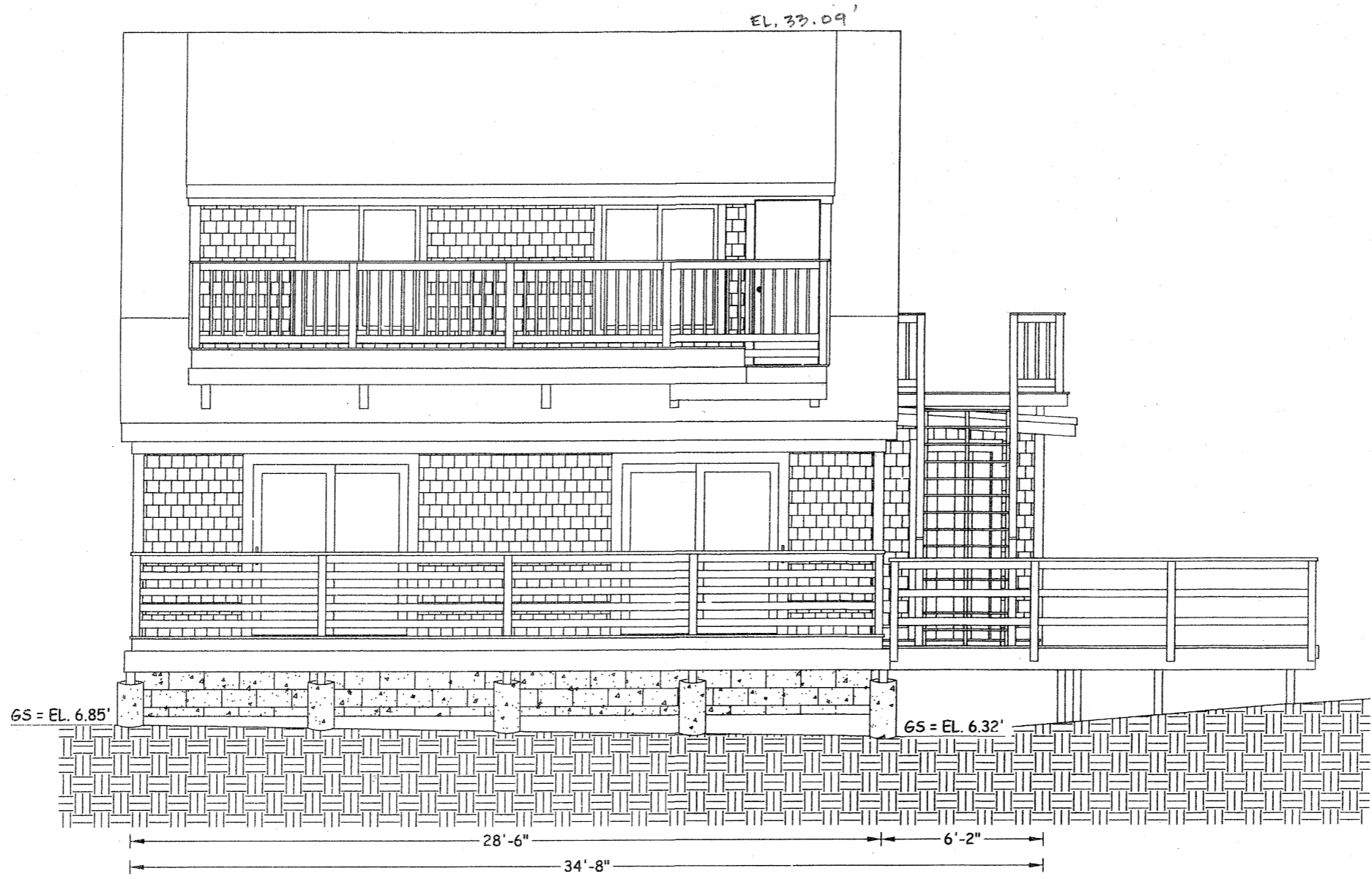
William N. Rogers II
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnr Rogers2@verizon.net

EXISTING
 NORTH
 ELEVATION



SCALE: 3/16" = 1'-0"
 DATE: 09-23-2022
 DRAWN: AL
 JOB NO: T-22-0773D
 REVISION:

3-E.1



SOUTH ELEVATION
 SCALE: 3/16" = 1'-0"

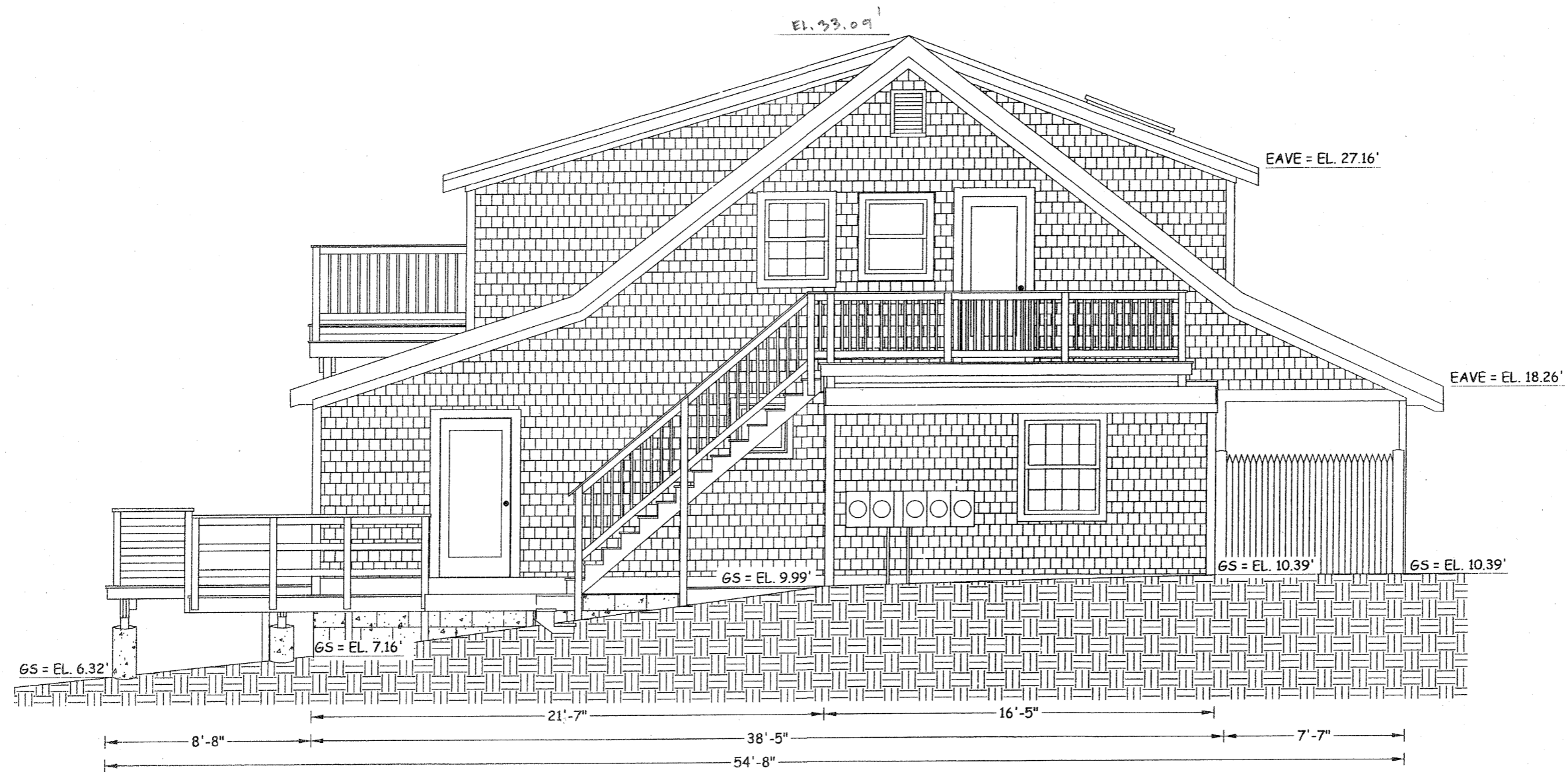
EBBIDE ON THE BAY
 CONDOMINIUM
 NO. 53 B SHORE ROAD
 NORTH TRURO, MA.
 BUILDING #3
 POLYS: ASSESSOR'S MAP 7, PARCEL 7

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EXISTING
 SOUTH
 ELEVATION

SCALE: 3/16" = 1'-0"
 DATE: 09-23-2022
 DRAWN: AL
 JOB NO. T-22-0773D
 REVISION:

3-E.2



EAST ELEVATION

SCALE: 3/16" = 1'-0"

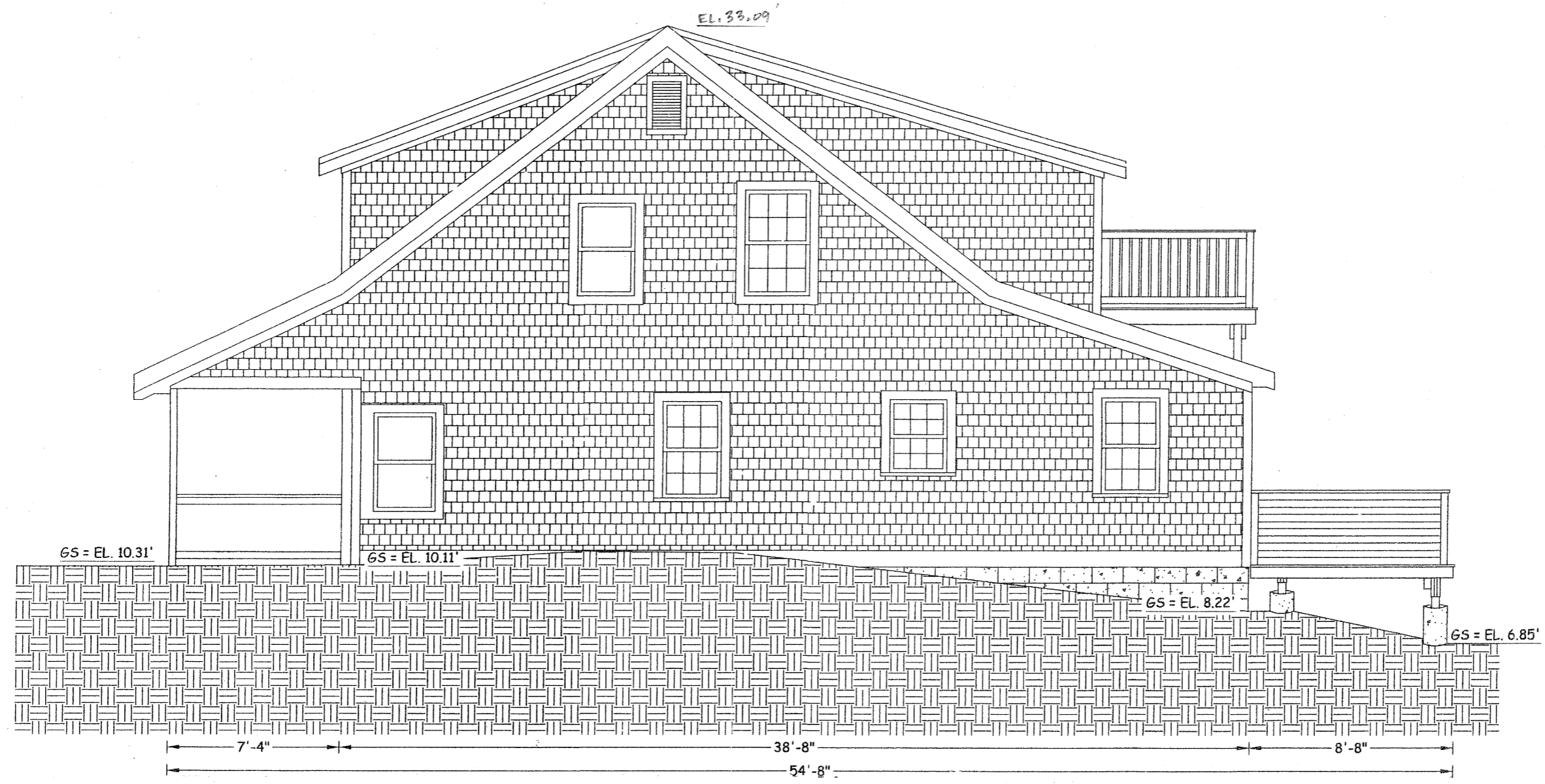
EBBTIDE ON THE BAY
CONDOMINIUM
NO. 538 SHORE ROAD
NORTH TRURO, MA.
BUILDING #3
LOCALS: ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II
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Building and Structural Design
Planning
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Provincetown MA 02657
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EXISTING
EAST
ELEVATION

SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO. T-22-0773D
REVISION:

3 E.3



WEST ELEVATION
 SCALE: 3/16" = 1'-0"

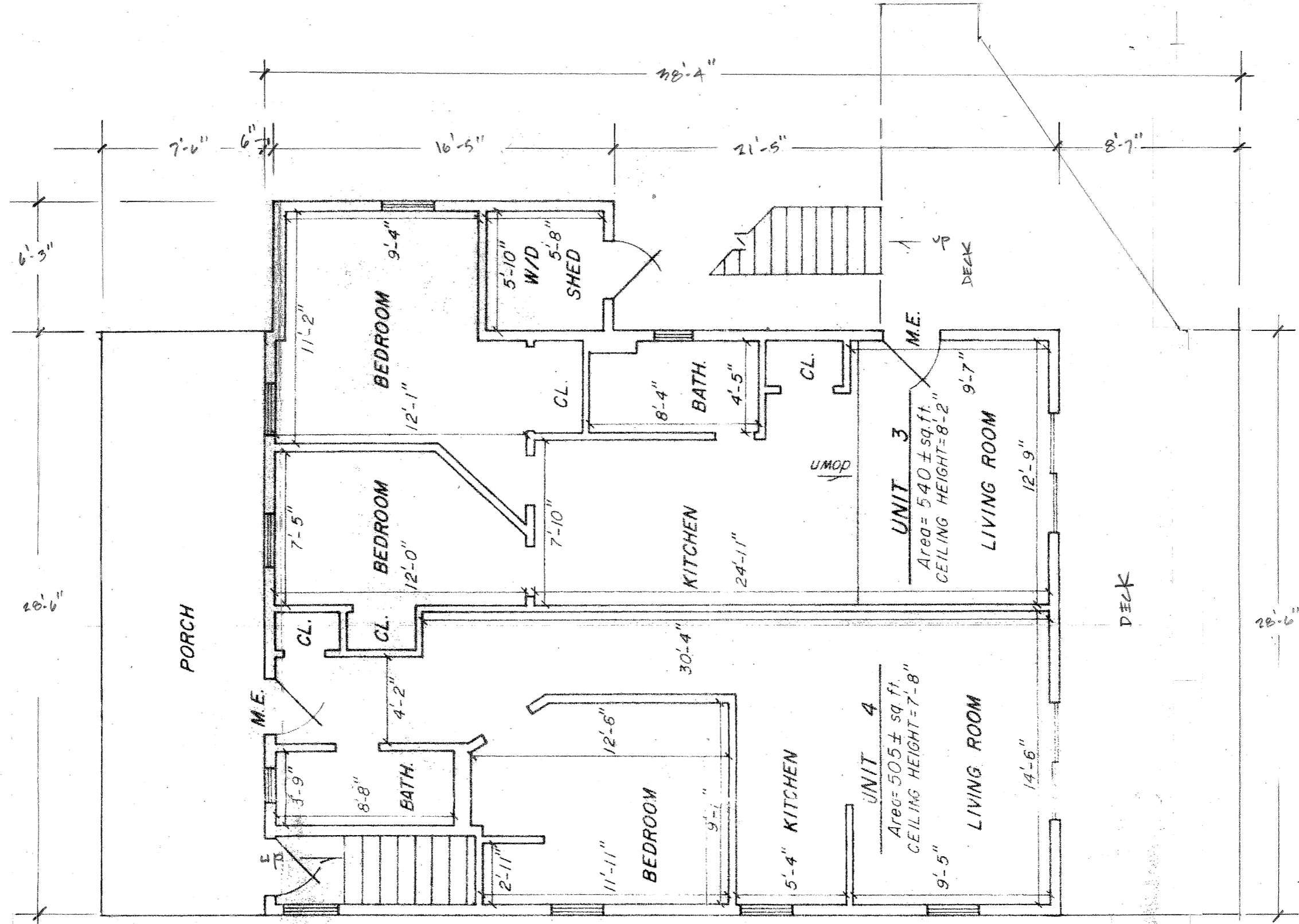
EBBIDE ON THE BAY
 CONDOMINIUM
 NO. 53B SHORE ROAD
 NORTH TRURO, MA.
 BUILDING # 3
 LOCUS: ASSESSOR'S MAP 7, PARCEL 1

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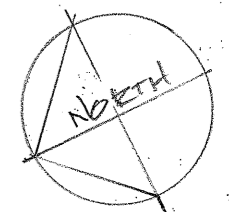
EXISTING
 WEST
 ELEVATION

SCALE: 3/16" = 1'-0"
 DATE: 09-23-2022
 DRAWN: AL
 JOB NO: T-22-0773D
 REVISION:

3-E.4



FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"



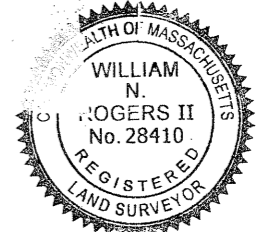
EBBIDE ON THE BAY
CONDOMINIUM
NO. 538 SHORE ROAD
NORTH TRURO, MA.
BUILDING #3
TODUS: ASSESSOR'S MAP 7, PARCEL 7

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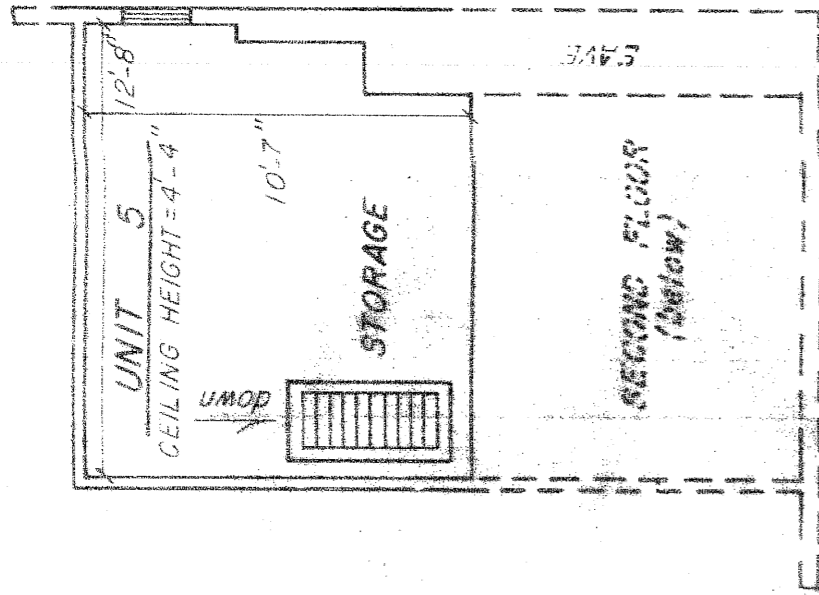
EXISTING
1ST FLOOR
PLAN



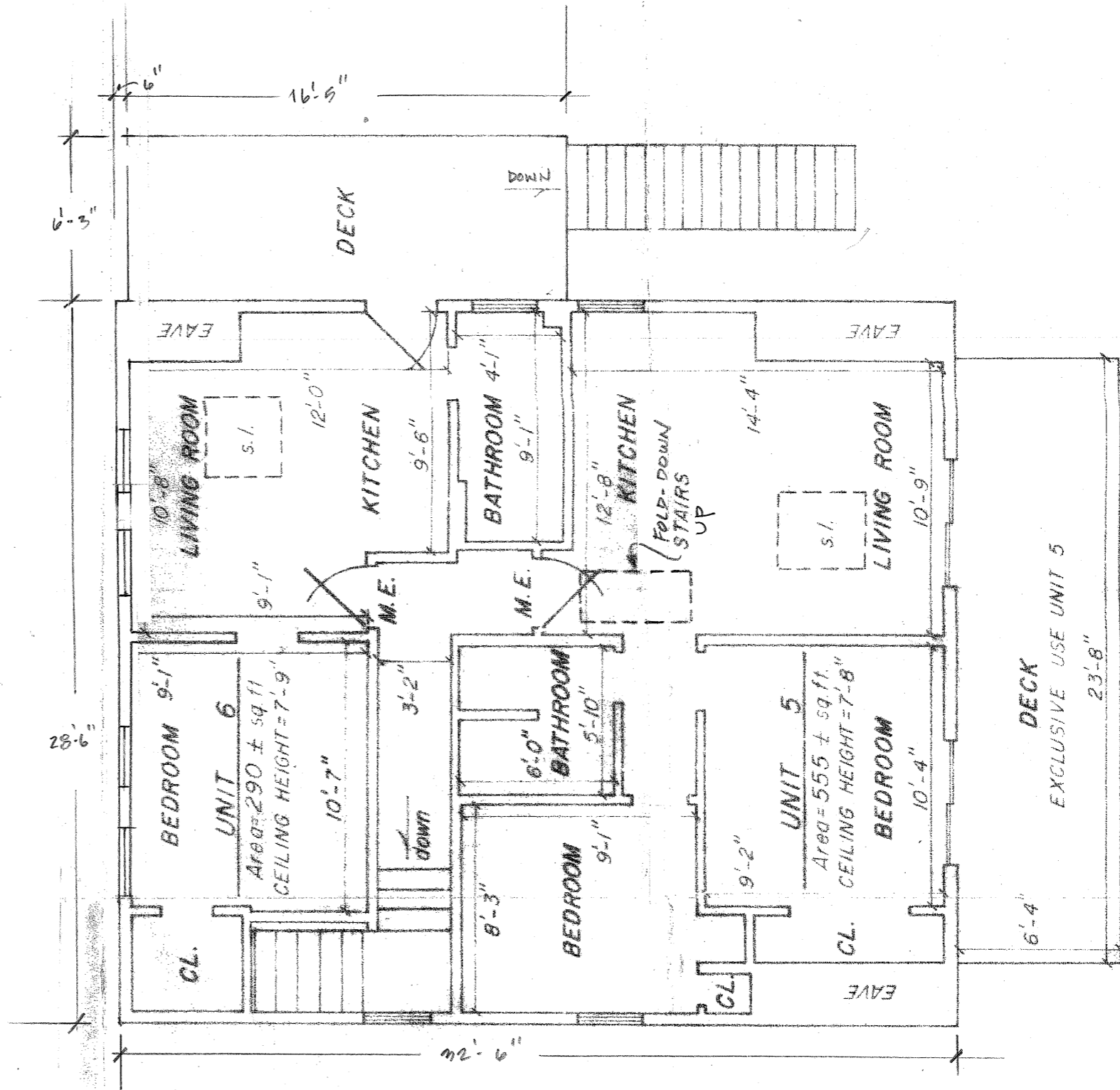
SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO: T-22-0773D
REVISION:



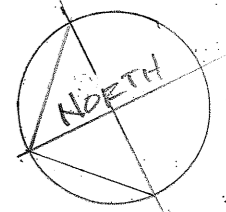
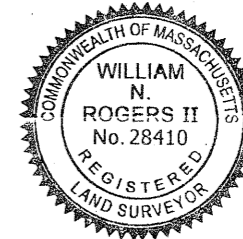
M-E.5



LOFT PLAN
SCALE: 3/16" = 1'-0"



SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



EBBIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
BUILDING #3
TODS: ASSESSOR'S MAP 7, PARCEL 7

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EXISTING
2ND FLOOR
PLAN

SCALE: 3/16" = 1'-0"
DATE: 09-23-2022
DRAWN: AL
JOB NO: T-22-0773D
REVISION:

M-E-6